

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JEFFREY FREE

Plaintiff,

v.

FLOYD BONNER,

Defendant.

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No. 2:20-cv-2638-JTF-atc

**ORDER DIRECTING PLAINTIFF TO EITHER:
(1) AMEND CLAIMS OR (2) SHOW CAUSE**

On August 20, 2020, *pro se* plaintiff Jeffrey Free filed a complaint under 42 U.S.C. § 1983. (ECF No. 1.) On August 30, 2021, the Court: (1) dismissed Free's § 1983 complaint without prejudice for failure to state a claim to relief; and (2) granted leave to amend his claims within twenty-one (21) days. (ECF No. 11.) The time granted for Plaintiff to amend his complaint expired on Monday, September 20, 2021. He did not do so.

On September 28, 2021, the Court entered an order for Plaintiff to show cause, on or before October 11, 2021, why judgment should not be entered in this case. On October 12, 2021, Free filed an untimely response that stated that "the reason I haven't [written] you back is because I can't afford the \$400 fee." (ECF No. 13 at PageID 67.)

The Court directs Free's attention to: (1) the April 6, 2021 order granting him leave to proceed *in forma pauperis* and directing payment of the \$350 filing fee from Plaintiff's inmate trust account (ECF No. 9); and (2) discussion of "Filing Fees And Indigent (*In Forma Pauperis*) Status" on the Court's online Procedural Guide For *Pro Se* Litigants. (See <https://www.tnwd.uscourts.gov/pdf/content/ProSeGuide.pdf>.)

Given Plaintiff's *pro se* status, the Court shall afford him one more opportunity to either: (1) amend his § 1983 complaint in accordance with the Court's August 30, 2021 order (*see* ECF No. 11); or (2) show cause why this case should not be dismissed. Free shall respond to this Order on or before **October 25, 2021**.

Failing to comply with this Order in a timely manner will result in a judgment dismissing this action with prejudice without further notice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Free is advised that this Order shall be his final opportunity to avoid dismissal of this case and entry of judgment.

IT IS SO ORDERED, this 14th day of October, 2021.

s/ John T. Fowlkes

JOHN T. FOWLKES
UNITED STATES DISTRICT JUDGE